

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, April 21, 2003

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Bloomfield, Kreider, Raser, Senhauser, Spraul-Schmidt, and Wallace present. Absent: Borys, Clement, Sullebarger

MINUTES

The minutes of the Monday, April 7, 2003 meeting were tabled (motion by Spraul-Schmidt, second by Wallace) to allow members additional time for review.

CERTIFICATE OF APPROPRIATENESS, 448 WEST MCMICKEN AVENUE, MOHAWK-BELLEVUE HISTORIC DISTRICT

Staff member Caroline Kellam presented the staff report on this request for a Certificate of Appropriateness for the installation of a 7' chain link fence at 448 West McMicken Avenue. The applicant proposes to use salvaged chain link fencing to enclose the front and sides of a private vegetable garden on the 25' x 100' vacant lot. The lot has an elevation change of approximately 32' from the front to the rear. A stone retaining wall supports the front edge of the property and there are several trees along the rear of the lot.

Ms. Kellam explained that no variances are required for the 7' fence since it is in an area zoned B-4 (the least restrictive business zone); however, the historic district guidelines state specifically that chain link is not appropriate. Ms. Kellam stated that wrought iron would be more appropriate along the front, but would not secure the garden from animals as well as the chain link. Additionally, wrought iron is likely to be cost prohibitive. A private vegetable garden is a permissible use.

Only the applicant attended the pre-hearing held on April 15, 2003. Since that date, staff received emails in opposition to the application from the West McMicken Improvement Association; the owner of 444 West McMicken; the owner of 450 West McMicken and head of the Klotter Residents Association; and a resident of West McMicken and former president of the West McMicken Improvement Association and current president of the CUF Community Council. All were opposed to the application expressing concern that the chain link fence would detract from the appearance of the neighborhood.

Ms. Kellam stated that staff recommends the installation of the chain link fence on a temporary basis as long as the property is maintained as a private garden. The unique use is desirable in that it retains greenspace and makes the neighborhood more livable. The applicant indicated he would be willing to remove the rust and paint the fence black. Staff also included conditions that the fence be installed several feet behind the existing stone retaining wall, be screened on the street side with landscaping, and the garden be kept free from debris.

[Mr. Kreider joined the meeting]

Mr. Raser questioned if staff reviewed alternative fencing material with the applicant. Ms. Kellam stated that the applicant has no desire to spend money on new fencing

since he already has the chain link. In reply to Mr. Bloomfield, Ms. Kellam stated that the lots on either side of the property are vacant and added that the owners of these two properties submitted objections. Ms. Kellam pointed out that Mr. Coleman also owns the vacant lot at 442 West McMicken, which has a chain link fence surrounding it. This chain link fencing, like others in the area, was installed prior to the designation of the district (January 2002). Neighbors have described the lot at 442 West McMicken as an eyesore periodically containing dilapidated cars.

Applicant/owner Jerry Coleman was present to respond to questions from the Board. Mr. Coleman stated that he has lived at 434 West McMicken Avenue for 20 years. He explained he is planning to use the lot for a vegetable garden when he retires in four to five years and would like the fence to protect the vegetables. He replied that he would water the garden either by allowing rainwater to run naturally down the slope in the rear of the lot, or by running a hose from his house to the garden.

Mr. Coleman described numerous fences in the area including a chain link fence surrounding a nearby park and a rusted 8' fence four houses down from his. He did not believe another fence would change the neighborhood and noted that people would be less likely to climb a rusted fence as opposed to one that is in good condition. He disagreed with assertions that he did not maintain his property, stating that he gets his exercise by cutting the grass, picks up trash, and has stopped people from dumping tires onto the property. He also pointed out that he has signs posted to deter trespassing.

The Board clarified that most of the concerns raised were not with the possible garden, but with the chain link fence. In addition, the Board explained that they have no authority over fences that were in place prior to the designation of the district.

When asked if he would consider using a different type of fence on the front, Mr. Coleman stated it depends on what kind of fence, because his intent is to keep people out. He also stated that he believed that a chain link fence would stop people who sit on the retaining wall from throwing bottles behind them into the lot. When asked if he would consider putting the fence only around the garden area, he replied that that would allow areas for children to play and he does not want to be responsible if they are hurt.

Mr. John Walter of 458 Klotter, who owns the adjacent lot at 450 West McMicken, was present to address the Board. He stated that he has been involved for the past ten years in maintaining the area at the intersection of McMicken and Ravine in an effort to foster future renovation on McMicken. He felt the presence of a rusted chain link fence would only discourage anyone who has an interest improving the area. In response to Mr. Raser, Mr. Walter stated that he was not involved in the initial request to establish the historic district, but was involved in supporting its extension to Ravine Street. He confirmed that they fought for the historic district to encourage better streetscapes and foster investment. Mr. Walter agreed with Mr. Senahauser that if the growth on the north slope of the lot were retained, any new fencing on McMicken would not be visible from Klotter. In response to Mr. Kreider, Mr. Walter stated in his opinion, the best way to maintain vacant lots is to keep them open and cut regularly. He claimed that there is nothing good about a chain link fence from an aesthetic standpoint in that they only serve to collect litter and make cutting more difficult.

Mr. Bloomfield stated that in his opinion, the Board should not approve the application and pointed out that the community worked hard to establish the guidelines. He commented that the fence is for a garden that may or may not happen in four or five years. In addition, the conditions attached to an approval, including keeping the lot maintained and painting the fence, would be difficult to enforce. Mr. Kreider agreed with Mr. Bloomfield, noting that several voices in the community have indicated they do not want the fence. He felt that given adequate care, the community would respect the greenspace. In response to Mr. Raser, Mr. Bloomfield stated he was not opposed to a fence if it complied with the guidelines.

Mr. Raser remarked that he did not think chain link is appropriate, but an owner should be allowed to fence his property if the fence complied with the historic regulations. He suggested that the Board authorize a fence that would comply with the guidelines for the front and 10' to 15' along the sides since they are very apparent. He suggested the use of chain link for the remaining sides and back. Mr. Bloomfield responded that erecting a fence in the middle of 100' of greenspace would not be respectful of the community.

BOARD ACTION

The Board voted unanimously (motion by Kreider, second by Spraul-Schmidt) to disapprove the application for a Certificate of Appropriateness for the installation of a 7' chain link fence at 448 West McMicken Avenue.

CERTIFICATE OF APPROPRIATENESS, 1701 MAIN STREET, OVER-THE-RHINE (NORTH) HISTORIC DISTRICT

Staff member Caroline Kellam presented the staff report on this request for a Certificate of Appropriateness for the demolition 1701 Main Street, a non-contributing building within the Over-the-Rhine (North) Historic District. Ms. Kellam corrected the staff report noting that the building is situated at the intersection of East Clifton Avenue and Main Street.

Ms. Kellam stated that the Department of Buildings and Inspections has condemned the building, although it has not declared the situation to be an emergency. There are no floors or interior walls and the exterior is not secure from the elements. Buildings and Inspections considers the building to be a hazard, particularly since Rothenburg Elementary School is directly across the street from the building. No one attended the pre-hearing that held on April 15, 2003.

Ms. Kellam reviewed the Over-the-Rhine (North) guidelines regarding demolition stating that the Historic Conservation Board may approve the demolition of a non-contributing building or a building of a later period if the demolition will not adversely affect the character of the streetscape or the district.

Ms. Kellam stated that the owners/applicants were unable to attend the Historic Conservation Board meeting. They indicated that they have no immediate plans for the site; however, they would eventually like to build a commercial building there.

BOARD ACTION

The Board voted unanimously (motion by Bloomfield, second by Raser) to approve a Certificate of Appropriateness for the demolition of this non-contributing building at 1701 Main Street.

**CERTIFICATE OF APPROPRIATENESS AND ZONING VARIANCE, 3006
FAIRFIELD AVENUE, EAST WALNUT HILLS HISTORIC DISTRICT**

Staff member Adrienne Cowden presented the staff report on this request for a Certificate of Appropriateness to construct a carport in the side yard of the residence at 3006 Fairfield Avenue. The building is a contributing resource within the East Walnut Hills Historic District.

Ms. Cowden reminded the Board that they had reviewed an application for a carport on this property in April 2001. At that time, the Board tabled the application so the applicant could revise the design based on the Board's discussion of alternate locations and design approaches. The applicant's new design is reflective of the Board's discussions suggesting that a "park-like" structure might be more acceptable in the side yard. The carport is still proposed for the side yard, even though the Board suggested a more suitable siting would be the rear yard as is typical for outbuildings in the neighborhood.

No one attended the pre-hearing scheduled for the project. The design was reviewed by the East Walnut Hills Executive Committee and later the full Assembly. No objections were raised during these meetings or in response to a mailing to neighboring property owners. Ms. Cowden explained that Dotty Vogt, the former president of the East Walnut Hills Assembly, and Betty Burns, owner and resident of 2933 Fairfield, had objected to the siting and design of the initial plan; however, she is not aware of any objections to this proposal.

Ms. Cowden explained that the carport, as proposed does not meet the applicable historic district guidelines or the Zoning Code. The Zoning Code limits the height of an accessory structure to 12'-6" and to rear yards only. As designed, the carport is approximately 13' tall and is proposed for the side yard of the property, so variances are required. The East Walnut Hills Historic District guidelines stipulate that new structures should respect neighborhood patterns and be sited with setbacks similar to those of adjacent buildings. The vast majority of accessory buildings in the district are located at the rear yard. Ms. Cowden stated that staff believes the overall visual impact would be lessened if the dimensions were reduced and the design simplified.

She clarified that the existing asphalt drive and pad (which may have been original) will be removed and replaced with concrete. In response to Ms. Wallace, she stated that the building next to the proposed carport is a garage situated on the adjacent property at the very rear of the lot. Mr. Kreider noted that it is a carriage house with an apartment above it and is a companion to the house to the north.

Mr. Senhauser commented that the Zoning Code has provisions that allow the granting of variances to rectify inequities. He stated that the pattern in the neighborhood is to situate garages or carriage houses in the rear yard and therefore questioned what unusual circumstance exists that would justify granting a variance. Ms. Cowden stated two reasons have been given: 1) the nature of the lot and location of the house are such that if the carport were pushed back into the north corner, it would limit the rear yard and private space, and 2) Siting the carport in the rear yard would necessitate significant foundation and structural work that would be cost prohibitive.

Applicant David Kirk, principal architect for DNK Architects, Inc., representing the owners, Darryl McCall and Miren Letemendia, was present to respond to questions from the Board. He confirmed that the main mass of the building is stone and the

back portion is brick. He said the owners prefer the carport in the side yard (as they did two years ago). Pushing it back 3' to 3-1/2' would interfere with an existing retaining wall and add between \$35,000 and \$40,000 to the cost due to the amount of fill required. In addition, if the carport were moved to the rear, the owners would have to remove new landscaping.

Mr. Kirk stated that they modified the design in response to the Board's suggestion that a park-like structure would be preferable in the side yard. If the dimensions of the carport were reduced, the columns would have to be changed. He pointed out that the massing is comparable to the two-story carriage house in the adjacent property. Mr. Senhauser pointed out that the width could be reduced by only 18" without changing the columns. He noted that when the Board originally heard the proposal for the garage, they were reluctant to see the garage in the side yard. Their suggestion to consider a park-like/gazebo type design was to mitigate the impact of the structure.

Mr. Bloomfield considered the structure to be appropriately sited and designed. He pointed out that the proposed site is a considerable distance from the street and cars have been parking there some time. He stressed the cost to move it to the rear yard would be significant.

Mr. Kreider stated that when granting a variance, the Board is applying a section of the Code that necessitates justifying the issuance of the variance. Houses in the neighborhood have garages in the rear. He asked that the applicant explain the exceptional circumstances that would necessitate an exception to that standard. Mr. Kirk replied that the pad where they propose to situate the carport was there when his clients purchased the house. While a variance might afford this property owner a carport on the side yard that others do not have, the topography is such the Board would be giving them a garage on their property that they otherwise could not have. He reiterated no one in the vicinity is opposed to the carport as designed.

The Board further discussed the design and location. Mr. Kreider questioned if situating the carport half way between the varying stone and brick facades of the house presented visual clutter. Mr. Bloomfield suggested it would do more damage moving it back, considering the existing retaining wall and mature garden. Mr. Raser remarked that site conditions mitigate the placement and justify the variance. He agreed with Mr. Bloomfield that it is well designed and a reduction in size is not necessary. Mr. Bloomfield clarified that when the Urban Conservator considers the final design, he may want to urge them to reduce the size, but at this point, the Board does not feel it is a necessity.

BOARD ACTION

The Board voted (motion by Bloomfield, second by Raser) with Kreider opposing, to approve a Certificate of Appropriateness and the necessary Zoning Variances for the height of the carport and its siting in the side yard with the condition that final construction drawings shall be submitted to the Urban Conservator for approval prior to construction.

Finding that such relief:

- a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic, architectural or aesthetic integrity; and

- b. Will not be materially detrimental to the public health, safety and welfare or injurious to the property in the district or vicinity.

TRANSITION ZONE APPROVAL, 22 EAST 12TH STREET AND 1216 JACKSON STREET, OVER-THE-RHINE (SOUTH) HISTORIC DISTRICT

Staff member Julia Carney presented the staff report for a Transition Zone approval for the proposed use of the structures at 22 East 12th Street and 1216 Jackson Street as an art college. The buildings are both contributing resources within the Over-the-Rhine (South) Historic District. The Art Academy of Cincinnati owns the building at 22 East 12th Street. The Cincinnati Museum Association owns the building at 1216 Jackson Street and intends to transfer this property to the Art Academy.

The Art Academy is planning a renovation of the buildings for consolidation and relocation from its present facilities located in Eden Park and Mt. Adams. They anticipate that renovations will begin in the summer of 2004 and open in 2005.

Mr. Gregory Smith, President of the Art Academy of Cincinnati, attended the pre-hearing conference held on April 15, 2003. No other persons attended the pre-hearing; however, Mr. Tom Patton, of the Germania Building expressed support for the proposal.

Ms. Carney stated that the properties are located in an R-7(T) Multi-Family High-Density Transition District. The R-7 district does not permit a college use; however, the transition zone, allows uses permitted in abutting districts to be considered. The abutting O-2, Urban Office District, permits educational institutions including colleges. The Zoning Code empowers the Board to approve applications for transitional uses if it conforms to applicable laws, ordinances, regulations and is in the public interest.

Ms. Carney noted that no construction is proposed at this time, but the Art Academy will have to obtain a Certificate of Appropriateness for renovations involving changes to the exterior of the buildings at a future date. She clarified that T-Zone approval for use only is being requested at this time and the approval would be grandfathered. Under the new zoning, there will be no Transition Zones, and college use would be conditional in the Community Commercial Mixed proposed.

Mr. Bloomfield recused himself from participation since he owns property across the street.

Mr. Gregory Smith, President of the Art Academy of Cincinnati, was present to respond to questions from the Board. Mr. Smith stated that their intention is to open in the summer of 2005, since they want as little disruption as possible to their undergraduate program. The increased square footage will allow them to increase their number of students by 100%, expecting 300-350 students. He acknowledged that, including faculty, there could be as many as 400 people frequenting the college and possibly even more with community education students (although they may develop satellite sites to accommodate them).

Mr. Senhauser stated that owners or institutions would prefer to have conforming use as opposed to conditional use, since conditional use may run with the owner, not the property. He expressed the importance of having properties with conforming use in Over-the-Rhine since it helps to maintain its economic value.

Mr. Raser commented that the Over-the-Rhine Comprehensive Plan anticipated the Art Academy being situated at this location and therefore the use was clearly favored by the community.

BOARD ACTION

The Board voted unanimously (motion by Raser, second by Spraul-Schmidt, Bloomfield recused), to take the following actions:

1. Approve the development plan for the properties at 22 East 12th Street and 1216 Jackson Street, for the use of the properties as an art college with the following conditions:
 - a. That the proposed use shall be established substantially in accordance with the plats, plans and other data submitted to the Board in this application;
 - b. That all detailed plans for changes to the exterior of the building be submitted to and approved by the Urban Conservator or the Historic Conservation Board through a Certificate of Appropriateness; and
 - c. That any new development plans for a transitional use for this property will be submitted for the Board's review if the proposed project described in this application does not proceed; and
2. Direct staff to forward the necessary documentation to the Director of Buildings and Inspections to permit the establishment of an art college as proposed in this application.

NATIONAL REGISTER NOMINATION, 3332 WHITFIELD AVENUE, CLIFTON

Staff member Adrienne Cowden presented the staff report for the National Register Nomination of the Freund-Heintz House located at 3332 Whitfield Avenue, in Clifton. Margaret Warminski, on behalf of the owner, the Cincinnati Preservation Association, has begun the formal process to nominate this residence. The City of Cincinnati is asked to comment on the nomination as a Certified Local Government.

Ms. Cowden explained that the Freund-Heintz House meets Criterion C for listing in the National Register. Under Criterion C, properties may be eligible if they have distinctive characteristics of a type, period, or possess high artistic values. She stated it is a superb example of Queen Anne architecture and called their attention to the irregular form and massing and the combination of stone and ceramic tile wall surfaces. She pointed out the unique use of dormers, tower and bays to change the overall massing and stated that the articulation of the exterior is reflected in the exquisite detailing of the interior, from the hardwood flooring, to the delicate plasterwork and coffered ceiling.

Ms. Cowden noted that there may be potential for an historic district in this part of Clifton, including Howell Avenue, Terrace Avenue, and other residential streets on both sides of the Ludlow Avenue business corridor. Staff offers this as a comment rather than something to be adjusted in this National Register nomination.

Ms. Margo Warminski was present to respond to questions from the Board. Ms. Cowden replied to Mr. Raser that the Clifton Town Meeting has not offered an opinion regarding this nomination.

BOARD ACTION

The Board voted unanimously (motion by Bloomfield, second by Kreider, to take the following actions:

1. Find that the Freund-Heintz House, located at 3332 Whitfield Avenue in Clifton, meets the requirements of Criterion C for listing in the National Register of Historic Places; and
2. Direct staff to forward the Board's findings regarding this nomination to the Ohio Historic Preservation Office prior to the June 6, 2003 meeting of the Ohio Historic Site Preservation Advisory Board.

ADJOURNMENT

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date